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OFFICE OF PETITIONS

In re Application of :
Bates, Mark C. :
Application No. 10/822,037 : **DECISION ON PETITION**
Filed: April 8, 2004 :
Attorney Docket No. 012212-0002-999 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 10, 2007, to revive the above-identified application.

The petition is **GRANTED**.


The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee, and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See *In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$525.00 extension of time fee submitted with the petition on November 10, 2007, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account as authorized.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a request to change the address of record should be filed. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center 3763 for further examination on the merits.


Liana Walsh
Petitions Examiner
Office of Petitions

Cc:

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